



U.S. Immigration
and Customs
Enforcement

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News Release

GENOCIDE PERPETRATOR ORDERED DEPORTED *Rwandan is the first person inadmissible to the U.S. for genocide*

BLOOMINGTON, Minn.— U.S. Immigration and Customs Enforcement (ICE) today announced an important legal ruling that will result in the removal of a human rights violator, Enos Irigaba Kagaba, from the United States. The federal immigration court decision also marks the first time an individual has been determined to be inadmissible to the United States for having engaged in genocide.

Kagaba, a citizen of Rwanda, was arrested December 2001 at the Minneapolis-St. Paul International Airport. He was initially charged with attempting to enter the United States without valid entry documents and with fraud for misrepresenting his identity.

A subsequent in-depth investigation conducted both domestically and abroad by the former Immigration and Naturalization Service (INS) uncovered evidence that Kagaba had committed acts of genocide during the 1994 war in Rwanda that killed 800,000 Tutsis and moderate Hutus.

Kagaba requested a hearing before a federal immigration judge, who in August 2003 sustained the genocide charge, as well as the charge that he did not have valid entry documents. That ruling was appealed to the Board of Immigration Appeals in Falls Church, Va., which issued a Sept. 17 decision sustaining the lower court's ruling in regard to the genocide and lack of valid documents charges. The federal immigration judge's removal order is now final.

"The United States will not be a safe haven for human rights abusers," said Kristine D'Alesandro, Acting Chief of ICE's Human Rights Law Division (HRLD). "ICE attorneys secured an important victory for the hundreds of thousands of legal immigrants who come to America each year in pursuit of freedom and opportunity. The legal immigration system they respect will not be exploited by criminals."

This case marks the first time that an alien has been charged with inadmissibility for having engaged in genocide under section 212(a)(3)(E)(ii) of the Immigration and Nationality Act. Congress added genocide to the grounds of inadmissibility in 1990. ICE lawyers litigate numerous cases before the Immigration Court system to ensure that the United States does not allow those who commit human rights violations to lawfully enter or reside in our country.

Kagaba was originally apprehended at the Minneapolis-St. Paul International Airport by INS inspectors, who are now officers with U.S. Customs and Border Protection (CBP) under the Department of Homeland Security (DHS). When the INS was dissolved in 2003, jurisdiction for the continued investigation and prosecution of the Kagaba case transferred to U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the DHS.

ICE recently apprehended another Rwandan genocide perpetrator. In May, Jean-Marie Vianney Mudahinyuka was arrested by ICE agents in Chicago and criminally charged with visa fraud after lying about his role in the Rwandan genocide. Mudahinyuka illegally entered the United States in 2000, using the alias Thierry Rugamba, under the ruse that he was himself a victim of the genocide. Mudahinyuka is currently awaiting trial for visa fraud and assault of a federal officer. The government of Rwanda has issued a warrant for the arrest of Mudahinyuka on charges of genocide and crimes against humanity.

In June 2003, ICE created its Human Rights Violators and Public Safety Unit (HRVPSU) to place a greater emphasis on investigating human rights cases, making it one of ICE's top investigative priorities. Its counterpart, the HRLD, was created in August 2003 to provide legal and litigation support to the effort to remove human rights violators.

The No Safe Haven Program [operated by ICE's HRLD and HRVPSU] seeks to deny refuge in the U.S. to international human rights violators by identifying, investigating, prosecuting and removing them from the country and by preventing violators from entering the country. No Safe Haven restores integrity to America's immigration system by ensuring that those who have assisted in persecution do not receive the benefits of legal immigration status in America and are brought to justice.

Many of the most egregious human rights violators residing in the United States are living and working among some of their victims who have sought asylum and refugee status in the United States. While there are no official estimates, research by several non-governmental organizations suggests that there may be several hundred suspected human rights violators currently residing in the United States. Many human rights violators have come to the United States in an effort to evade prosecution and punishment for their crimes committed in their home countries.

ICE is making great strides to bring human rights abusers in the United States to justice. ICE attorneys are currently tracking and litigating more than 500 cases involving human rights violators from more than 60 countries in immigration courts nationwide. In its first year alone, HRLD, with the assistance of ICE attorneys nationwide, successfully completed more than 100 cases.

ICE

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security (DHS), created on March 1, 2003.